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10/681,714	10/08/2003	Mihal Lazaridis	555255012591	6717

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TRINH, TAN H	
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2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/681,714	**Applicant(s)** LAZARIDIS, MIHAL	
	Examiner TAN TRINH	**Art Unit** 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 08 October 2003.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 14 September 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 9-14-2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09-14-2004, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-9, 14-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahod (U.S. Pub. No. 2004/0224678).

Regarding claim 1, Dahod teaches in a radio communication system having a mobile station operable by a user at least to send voice data to a correspondent node pursuant to a voice service (see fig. 1, mobile station (MS) 102 and correspondent node (IMG) 110) pages 2-3, sections [0020-0025]), an improvement of apparatus for facilitating formation of an apparent push-to-talk communication session connection at least during a selected portion of a communication session (see page 3, sections [0027-0030] and page 4, section [0034]), the apparatus comprising: a session initiation actuator actable by the user (see page 3, section [0032]) , the session initiation actuator (see fig. 4, page 3, section [0032] and page 5, section [0047-0048]), when actuated by the user for initiating the apparent push to talk communication session connection (see page 3, section [0032] and page 5, sections [0047-0048]); a voice data buffer adapted selectably to receive the voice data (see page 4, sections [0034 and 0041-0042]), the voice data buffer for buffering at least for a selected period subsequent to the actuation of the session initiation actuator to buffer voice data (see pages 3- 4, sections [0032-0034] and page 5, section [0048]); the voice data buffered during formation of the apparent push to talk communication session retrieved therefrom and transmitted to the correspondent node upon formation of the communication session connection (see page 3, sections [0027-0033]), buffering of the voice data at the voice data buffer appearing to the user to be push to talk communications with the correspondent node (see page 4, sections [0034-0038] and page 4, sections [0041-0042] and page 5, sections [0048-0050]).

Regarding claim 5, Dahod teaches wherein the selected period during which the voice data buffer buffers the voice data is defined by boundaries, the boundaries related to the actuation of the session initiation actuator and to the formation of the communication session connection (see figure 2, page 4, section [0039]. Referring to figure 2, at the latency L1, the boundary started after the initiation of the actuator (t1), until the phone established RT connection to all the party; and since the sender and recipient by actuating the PTT button or sequence of buttons on the device during the operation on the PTT half-duplex communication session and the voice data is buffered during replayed in real time until the communication session connection).

Regarding claims 6-9, Dahod teaches wherein the apparent push to talk (PTT) communication session initiated by actuation of the session initiation actuator (see fig. 4, page 5, section [0048]. Dahod teaches PTT. It is noted that this is an operation of basic PTT system. PTT telephone, when the user actuates the switch, the voice conversation establish at least, or entire, or until the end the voice session, and when operation became half duplex, when the recipient begin to talk back).

Regarding claim 14, Dahod teaches the radio communication system of claim 1, Dahod further teaches wherein the correspondent node is operated by an accepting party (see fig. 3, page 4, section [0042]), a further improvement of apparatus for the correspondent node; the apparatus comprising a session acceptance actuator actuable by the accepting party (see fig. 5, page 5, section [0049]), the session acceptance actuator (see fig. 5, page 5, section [0049]), when actuated by the accepting party, for accepting formation of the communication session with the mobile station (see fig. 5, see steps 1030, 1032 and 1034 in figure, and page 5, sections [0049-0050]).

Regarding claim 15, Dahod teaches a method of communicating in a radio communication system having a mobile station operable by a user at least to send voice data to a correspondent node pursuant to a voice service to a correspondent node (see fig. 1, mobile station (MS) 102 and correspondent node (IMG) 110) pages 2-3, sections [0020-0025]), an improvement of a method for facilitating formation of an apparent push to talk communication session connection at least during a selected portion of a communication session (see page 3, sections [0027-0030]), the method comprising: initiating the apparent push to talk communication session connection at the mobile station by actuation of a session initiation actuator (see fig. 4, page 3, section [0032] and page 5, section [0047-0048]); buffering voice data generated during a selected period subsequent to the actuation of the session initiation actuator during the operation of initiating (see pages 3- 4, sections [0032-0034], and page 5, section [0048]); transmitting the voice data buffered (see page 4, section [0034]) during the operation of buffering to the correspondent node upon formation of the communication session connection (see page 3, sections [0027-0033]), buffering of the voice data during the operation of buffering and thereafter transmitting the voice data appearing to the user to be push to talk communications with the correspondent node (see page 4, sections [0034-0038] and page 4, sections [0041-0042] and page 5, sections [0048-0050]).

Regarding claim 16, Dahod teaches the method of claim 15. Dahod further teaches wherein the operation of initiating further comprises the operation of selecting the correspondent node (IMG 110 of figure 1) to which to send the voice data (see page 3, sections [0027-0029]. Since the selecting the second wireless device for which the voice data to be send by request signal from a first wireless device indicating that the PTT link is to be established with second wireless device).

Regarding claim 18, Dahod teaches the method of claim 15. Dahod further teaches the comprising the operations of: detecting, at the correspondent node, the voice data; and recording the voice data at the correspondent node (see fig. 1, the mobile stations (MS) 102 and correspondent node (IMG) 110), page 3, sections [0027]. Since the correspondent node receiving (detecting) half-duplex voice signal from first wireless device, generates an encoded audio file and electronically storing encoded audio file at correspondent node than generates a corresponding playback signal to second wireless devices).

Regarding claim 19, Dahod teaches the method of claim 15. Dahod further teaches comprising the additional operation of transmitting additional voice data to the correspondent node subsequent to play out of the voice data buffered during the operation of buffering (see fig. 3, page 5, section [0049]. In this case since the correspondent node subsequent to play out (played back) message and a traditional half-duplex (PTT) voice signal which is played in real-time during the operation).

Regarding claim 20, see also the rejection of claim 5, wherein Dahod teaches the selected period subsequent to the actuation of the session initiation actuator during which the voice data is buffered during the operation of buffering extends at least until the formation of the communication session connection (see fig. 2, page 4, sections [0039]. Since the sender and recipient by actuating the PTT button or sequence of buttons on the device during the operation on the PTT half-duplex communication session and the voice data is buffered during replayed in real time until the communication session connection).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (U.S. Pub. No. 2004/0224678) in view of Nichols (U.S. Patent No. 5,109,525).

Regarding claim 2, Dahod teaches the sender speaks into the wireless device (MS) for PTT communication. But Dahod does not mention wherein the mobile station comprises a voice transducer for converting acoustic energy into the voice data, the apparatus further comprising a switch element for switching connecting the voice transducer with the voice data buffer, the voice data into which the acoustic energy is transduced buffered at the voice data buffer when the switch element is in a closed position.

However, Nichols teaches wherein the mobile station comprises a voice transducer for converting acoustic energy into the voice data (see fig. 1, microphone 28, col. 2, lines 26-31). Since a microphone is an acoustic transducer), the apparatus further comprising a switch element for switching connecting the voice transducer with the voice data buffer (see Fig. 1, switch 30, col. 2, lines 29-44), the voice data into which the acoustic energy is transduced buffered at the voice data buffer when the switch element is in a closed position buffer (see Fig. 1, switch 30, col. 2, lines 31-37 and col. 2, lines 63-65. Since the switch 30 is switching (closed) to digitizer 32, the voice data buffer is established).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Dahod and by the providing of the teaching of Nichols on the microphone and the switch, thereto in order to efficiently and actuate route audio signals from microphone to digitizer (see Nichols col. 2, lines 63-65).

Regarding claim 3, the combination of Dahod and Nichols teach the apparatus of claim 2, Nichols further teaches wherein the switch element closes into the closed position for the at least a selected period responsive to actuation of the session initiation actuator (see fig. 1, switch 30, col. 2, lines 59-65).

Regarding claim 4, the combination of Dahod and Nichols teach the apparatus of claim 3, Nichols further teaches wherein the switch element opens out of the closed position at least responsive to the formation of the communication session connection (see col. 2, lines 37-44 and lines 50-58. Since the switch 30 is activated (Push to talk switch) the audio signals from microphone 28 is transmitted and the communication begin to established).

6. Claims 10-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (U.S. Pub. No. 2004/0224678) in view of Girard (U.S. Pub. 2002/0132635).

Regarding claim 10, Dahod teaches mobile station (MS) 102 with the session initiation actuator forms part of a user interface (see page 5, section [0048]), But Dahod does not mention the user interface further comprising a user display, the user display for displaying a display screen, actuation of the session initiation actuator made, in part, responsive to indicia of the display screen displayed on the user display.

However, Girard teaches the user interface further comprising a user display (see fig. 1, display 102), the user display for displaying a display screen (see fig. 1, display 102 with displaying a display screen 114, page 1, section [0011]), actuation of the session initiation actuator made (see fig. 1, Push-to-talk (PTT) button 108), in part, responsive to indicia of the display screen displayed on the user display (see pages 1-2, sections [0011-0013]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Dahod and by the providing of the teaching of Girard on the user display for displaying a display screen and PTT button, thereto in order to provide selecting an alias record from memory and selecting the desired mode for communication (see page 2, section [0013]).

Regarding claim 11, the combination of Dahod and Girard teaches the indicia of the display screen according to claim 10, Girard further teaches wherein the indicia of the display screen comprises a list identifying at least a calling identifier identifying the correspondent node (see fig. 1 display 102 with display screen of the list 114, and fig. 2, identifying the correspondent node of 202, 204 and 206), the user interface further comprising a selector for selecting the calling identifier prior to actuation of the session initiation actuator (see figs. 1-2, selector (scroll button) 116 for select through a list of aliases, page 1-2, sections [0011-0014]).

Regarding claim 12, the combination of Dahod and Girard teaches the indicia of the display screen with the correspondent node according to claim 11, Dahod further teaches wherein correspondent node comprises a recording station at which the voice data, when sent thereto, is recorded and wherein the calling identifier formed of the indicia of the display screen identifies the recording station (see fig. 1, mobile station (MS) 102 and correspondent node (IMG) 110), pages 2-3, sections [0010, 0025 and 0027-0030] and page 4, sections [0037-0038]).

Regarding claim 13, the combination of Dahod and Girard teaches the indicia of the display screen with the correspondent node according to claim 11, Dahod further teaches wherein the correspondent node comprises a telephonic station (see fig. 1, correspondent node (IMG) 110) and mobile station 102), wherein the voice service comprises a two-way voice service, and wherein the calling identifier formed of the indicia of the display screen identifies the telephonic station (see fig. 1, correspondent node (IMG) 110) with first wireless device 102 (telephonic station) and second wireless device 102 (telephonic station), pages 2-3, sections [0010, 0020- 0025 and 0027-0030] and page 4, sections [0037-0038]). Since the calling identifier formed of the indicia of the display screen identifies the telephonic station, see the rejection claim 11 above.

Regarding claim 17, Dahod teaches the mobile station (MS) 102 (see fig. 1, mobile station (MS) 102). But Dahod does not mention wherein the mobile station comprises a user display, wherein the method further comprises the operation, prior to the operation of initiating, of displaying indicia of the correspondent node on the user display, and wherein the operation of initiating further comprises selecting from the user display the correspondent node to which to send the voice data.

However, Girard teaches wherein the mobile station comprises a user display (see fig. 1, display 102), wherein the method further comprises the operation, prior to the operation of initiating, of displaying indicia of the correspondent node on the user display (see figs. 1-2, display 102 with displaying a display screen 114, page 1, section [0011]), and wherein the operation of initiating further comprises selecting from the user display the correspondent node to which to send the voice data (see fig. 2, pages 1-2, sections [0011-0013]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Dahod and by the providing of the teaching of Girard on the user display for displaying an alias, thereto in order to provide selecting an alias record from memory and selecting the desired mode for communication (see page 2, section [0013]).

Conclusion

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314).***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
November 11, 2006

PATENT EXAMINER
TRINH,TAN